



# Judicial Watch

*Because no one is above the law!*

**VIA FACSIMILE (202) 261-8579**  
**AND CERTIFIED MAIL**

June 19, 2002

Ms. Margaret P. Grafeld  
Director, Office of IRM Programs and Services, SA-2  
U. S. DEPARTMENT OF STATE  
5th Floor  
2201 C Street, N.W.  
Washington, D.C. 20522-6001

**Re: Freedom of Information Act Request**

Dear Ms. Grafeld:

Judicial Watch, Inc. hereby requests that the U.S. Department of State produce the following agency records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, within twenty (20) business days:

- (1) The decision to retain outside counsel to represent the U.S. Department of State in *Shenwick v. U.S. Department of State*, NY-0752-01-9907-I-1 & NY-1221-00-0403-B-1 (U.S. Merit Systems Protection Board).
- (2) The retention of Gregory Craig and the law firm of Williams and Connolly LLP to represent the U.S. Department of State in *Shenwick v. U.S. Department of State* NY-0752-01-9907-I-1 & NY-1221-00-0403-B-1 (U.S. Merit Systems Protection Board).
- (3) The terms and conditions of legal representation, billing rates and/or fees charged by Gregory Craig and the law firm of Williams and Connolly LLP for representing the U.S. Department of State in *Shenwick v. U.S. Department of State* NY-0752-01-9907-I-1 & NY-1221-00-0403-B-1 (U.S. Merit Systems Protection Board).

If any responsive record or portion thereof is claimed to be exempt from production under FOIA, with respect to each allegedly exempt record or portion thereof, the State Department must provide sufficient identifying information to allow Judicial Watch, Inc. to assess the propriety of the

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claimed exemption. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir 1973), *cert. denied*, 415 U.S. 977 (1974). In addition, any reasonably segregable portion of a responsive record must be provided to Judicial Watch, Inc., after redaction of any allegedly exempt material. 5 U.S.C. § 552(b).

Judicial Watch, Inc. hereby requests a waiver of both search and duplication fees. Judicial Watch, Inc. is entitled to a waiver of search fees because the records it seeks are not sought for a commercial use and Judicial Watch, Inc. is a member of the news media. 5 U.S.C. § 552(a)(4)(A)(ii)(II).

As a 501 (c)(3) not-for-profit organization, Judicial Watch, Inc. has no commercial purpose. It is a non-profit, tax-exempt educational foundation organized to increase public understanding of government operations and activities, as well as the importance of ethics and the rule of law in government. Judicial Watch, Inc. regularly requests information about the operations of government through FOIA and other means, uses its editorial skills to turn this information into distinct works, and regularly publishes and disseminates its work to the public in furtherance of its educational mission.

Judicial Watch, Inc. uses the following means, among others, to disseminate its works to the public:

- (1) Judicial Watch, Inc. produces several live radio programs, including a two-hour program entitled "The Judicial Watch Report," which airs nationally once every week on approximately 45 radio stations. Since September 2001, Judicial Watch, Inc. has produced an hour long Spanish language program that airs twice weekly on WQBA -- 1140 AM in Miami, Florida. Since October 29, 2001, Judicial Watch, Inc. also has produced a two-hour program that airs daily on the USA Radio Network. Judicial Watch, Inc.'s weekly and the daily radio programs also can be heard via the Internet at [www.USARadio.com](http://www.USARadio.com) and [www.JudicialWatch.org](http://www.JudicialWatch.org).
- (2) Judicial Watch, Inc. also produces and broadcasts a twice weekly television program entitled the "The Judicial Watch Report," which is seen on the Dish Network and the Liberty Network among others. The producer of this program is Brian Doherty, who formerly producer "The O'Reilly Factor" and "The Drudge Report" on the Fox News Channel.
- (3) Judicial Watch, Inc. also maintains an Internet site, [www.JudicialWatch.org](http://www.JudicialWatch.org), on which the public can view and inspect records obtained through FOIA, records obtained through civil litigation, press releases, editorial works, deposition transcripts and court opinions, among other materials. This website is viewed by over 20,000 people per day on average, and on several occasions, has logged up to 1,000,000 visitors in a single day.

(4) Judicial Watch, Inc. also publishes a monthly newsletter, which is sent to approximately 225,000 individuals. It also utilizes an E-mail Infonet service which sends out updates of Judicial Watch's activities over the Internet on nearly a daily basis to 17,000 persons.

(5) Judicial Watch, Inc. also produces several editorial works each week in the form of press releases, which are "blast faxed" to hundreds of radio and television stations, as well as newspapers throughout the country

(6) Judicial Watch, Inc. also publishes periodic reports. For example, on September 28, 1998, for example, Judicial Watch, Inc. published its Interim Report on Crimes and Other Offenses Committed by President Bill Clinton Warranting His Impeachment and Removal from Elected Office. This 145-page report was accompanied by nearly 4,000 pages of supporting documentation, and was crafted, in part, from the raw materials obtained by Judicial Watch, Inc. through FOIA requests. This distinct work has been disseminated widely to the public. On or about August 10, 1999, Judicial Watch, Inc. published its Filegate Status Report, which is 136 pages long and is supported by nearly 1000 pages of documentation. Another recent report by Judicial Watch, Inc. is The Judicial Watch Florida Recount, an independent, non-partisan analysis of the results of Florida's hotly contested 2000 Presidential election based upon an sampling of ballots reviewed by Judicial Watch, Inc. pursuant to Florida's version of FOIA. This document was published on March 22, 2001. Judicial Watch, Inc.'s most recent publication is The Judicial Watch 2002 "State of the Union" Report, Bush Administration Ethics Enforcement: "A Failure of Leadership," published February 1, 2002.

Judicial Watch also uses records it obtains pursuant to FOIA in public events such as conferences, seminars and speeches. For example, in October of 2001, Judicial Watch held its third annual "Ethics in Government Conference" in Miami, Florida. Previous conferences were held in Pasadena, California (1999), and Washington, DC (2000). Judicial Watch also works with other media organizations to publish new stories that are in the public interest. The Chairman and President of Judicial Watch, Inc. also frequently appear on nationally broadcast television and radio programs. Judicial Watch is a member of the National Religious Broadcast Association and has been granted press credentials at a number of national conventions and other events.

Judicial Watch, Inc. therefore qualifies as a member of the media and is entitled to a waiver of search fees. See *National Security Archive v. U.S. Department of Defense*, 880 F.2d 1381 (D.C. Cir. 1989). In fact, Judicial Watch, Inc. has been recognized previously as a member of the media in other FOIA litigation. See *Judicial Watch, Inc. v. U.S. Department of Justice*, 133 F. Supp.2d 52 (D.D.C. 2000).

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Judicial Watch, Inc. also is entitled to a complete waiver of both search fees and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Again, because Judicial Watch, Inc. has no commercial purpose, its request is not "in the commercial interest of the requestor."

In addition, the request is likely to contribute significantly to the public's understanding of government operations and activities. Typically, agencies look to the following four points in making this determination: (1) whether the subject of the request must concern the operations or activities of government; (2) whether disclosure of the requested records is likely to contribute to an understanding of government operations or activities; (3) whether disclosure of the requested records will contribute to public understanding; and (4) whether disclosure of the requested record will contribute "significantly" to the public understanding. See 28 C.F.R. § 16.11(k)(2)(i)-(iv).

Without question, the subject-matter of the request concerns the operations and activities of government, as it addresses a specific decision by the U.S. Department of State, namely the decision to hire Gregory Craig and the law firm of Williams and Connolly, LLP, to represent it in Linda S. Shenwick's appeals before the Merit Systems Protection Board. Judicial Watch, Inc. submits that this is a particularly noteworthy decision in light of the fact that Mr. Craig and Williams and Connolly previously represented former President William Jefferson Clinton at his 1999 impeachment trial, as well as the father of six-year old Cuban shipwreck survivor Elian Gonzalez and various pro-Castro American groups in their efforts to have Elian Gonzalez returned to Cuba without a hearing on his application for political asylum. It also is particularly noteworthy that the Bush Administration's State Department would hire President Clinton's impeachment lawyer to represent it in Ms. Shenwick's employment dispute given that this employment dispute has garnered significant media attention in its own right amid substantial evidence that the Clinton Administrations' State Department retaliated against Ms. Shenwick for making protected whistleblower disclosures to Republican members of Congress. See Matthew Rees, Madeleine Albright's Vendetta," *The Weekly Standard*, August 2, 1999, attached hereto as Exhibit 1. In fact, at least one publication has already described the State Department's decision as bizarre: "The Department of State may be obligated to defend itself in these proceeding, but the decision to hire Craig is bizarre. It is the sort of thing one would expect from a Gore Administration." See John J. Miller, "Craig Won't Beg," *The National Review*, May 24, 2002, attached hereto as Exhibit 2.

Second, disclosure of the requested records will contribute to an understanding of this particular decision, as the requested records relate directly to the decision both to retain outside counsel and to retain Mr. Craig and Williams and Connolly, LLP.

Third, disclosure of the requested record will contribute to the understanding of "a reasonably broad audience of persons interested in the subject" and Judicial Watch, Inc. has a demonstrable "ability and intention" to convey the information to the public, as evidenced by the description of its various media outlets outlined above. A "reasonably broad" audience obviously is interested in the subject-matter of this request, as demonstrated by the article that already appeared in *The National Review*. In addition, listeners to Judicial Watch, Inc.'s Spanish language radio broadcast in Miami, Florida are particularly interested in the State Department's decision to

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hire Gregory Craig to represent it in this matter because of Mr. Craig's substantial role in the Elian Gonzalez controversy. Judicial Watch, Inc. intend to intends to disseminate the information it obtains in response to this FOIA request via its radio programs and its other media outlets.

Fourth, and finally, disclosure of the requested records will enhance public understanding of this noteworthy decision to a significant extent because little is currently known about how and why the State Department decided to hire Craig and Williams and Connolly, LLP. As set forth in the article that appeared in *The National Review*, the State Department as declined to comment on the decision "beyond saying that Craig was retained in a 'competitive procurement' and that his hiring represents a good deal in terms of 'technical merit and cost.'" See Exhibit 2. The records requested by Judicial Watch, Inc. undoubtedly will shed additional light on this "bizarre" decision.

Given these compelling circumstances, Judicial Watch, Inc. is entitled to a public interest fee waiver of both search costs and duplication costs. 5 C.F.R. § 16.11(k)(2)(i) - (iv). We look forward to receiving the requested documents and a full public interest fee waiver within twenty (20) business days.

Sincerely,

JUDICIAL WATCH, INC.



Christopher J. Farrell

CJF/pjo

# Exhibit 1

August 2, 1999

SECTION: Pg. 24

LENGTH: 3527 words

HEADLINE: MADELEINE ALBRIGHT'S VENDETTA;  
The Persecution of a Career Civil Servant

BYLINE: By Matthew Rees;  
Matthew Rees is a staff writer at THE WEEKLY STANDARD.

BODY:

I have never seen such a blatant, raw attempt to harass and silence a whistleblower who simply told the truth."

That's Sen. Charles Grassley, a normally even-keeled Iowa Republican, thundering in a recent speech about the treatment of Linda Shenwick. A veteran civil servant at the U.S. mission to the United Nations, Shenwick has been the target of a ruthless campaign spearheaded by Madeleine Albright. Her offense? Providing Capitol Hill and the media with public information about waste, mismanagement, and rule-breaking by officials at the United Nations and the U.S. mission.

Albright and her acolytes have been dogging Shenwick, whose job until recently was to monitor the U.N. budget, for much of the past five years. But in recent weeks, the stakes have been ratcheted up a few notches. In mid-June, the State Department expelled Shenwick from the U.S. mission, and on June 29 her pay was suspended pending resolution of a dispute over her next federal job. Grassley, in protest of the "outrageous treatment" of Shenwick, announced on June 24 he was placing a "hold" on Richard Holbrooke's nomination to be the next U.S. ambassador to the United Nations.

In the weeks since Grassley's announcement, his spine has only stiffened. He says the State Department, in responding to the Shenwick matter, has provided him with explanations that are "weak, and at times false or misleading." And he says that in order for him to release his hold on Holbrooke's nomination, "fairness and civility must prevail." This won't be easy.

Linda Shenwick started working at the State Department in 1979 while she was still in law school, driven by a sense of public service and an interest in foreign affairs. In 1984 she was transferred to the U.S. mission to the United Nations, where she first was assigned to handle personnel and budget issues. She quickly carved out a reputation for diligence and hard work, which won her three consecutive "outstanding" ratings — the highest given — between January 1987 and July 1989. Her performance also won her regular promotions, and in 1988 she was admitted to the Senior Executive Service, an elite corps of federal civil servants.

In August 1991 and again in November 1993, representatives of other U.N. member states elected Shenwick to serve on the influential Advisory Committee on Administrative and Budgetary Questions (ACABQ), which recommends how U.N. money and personnel should be allocated. These votes of confidence reflected the respect accorded to her by U.N. officials. And her service on the committee helped her acquire a detailed knowledge of the byzantine U.N. budget process.

In recent years, some have tried to portray Shenwick as a tool of Jesse Helms and other Republican critics of the U.N. But this is a caricature. While she has indeed blown the whistle on U.N. malfeasance, Shenwick didn't shy away from revealing wrongdoing by a senior appointee of a Republican president. In 1989 she reported to the State Department's inspector general that Thomas Pickering, then the U.S. ambassador to the U.N., had violated State Department procurement regulations by having his wife make non-competitive purchases of everything from furniture to catering services. Pickering challenged the allegation and tried to get Shenwick's job-performance down-graded (in an earlier

Exhibit 1

job evaluation, he had praised her as "well organized" and "very analytical"). She countered by accusing him of illegally retaliating against her, and when the matter was finally resolved in November 1992, Shenwick was granted two retroactive promotions, back pay, and reimbursement of \$16,000 in legal fees.

This persistence, coupled with Shenwick's expertise on U.N. budget issues and extensive contacts on Capitol Hill and in the media, led Madeleine Albright to distrust her from the beginning. Shortly after Albright arrived at the United Nations in 1993, Pickering's ethical problems were rehashed in the press in connection with his nomination as ambassador to Russia. That prompted Albright's deputy, Ned Walker, to tell Shenwick, "These articles hurt you with Ambassador Albright; she feels uncomfortable with you."

It's important to remember that while Albright gained publicity in 1995-96 for being an outspoken critic of the U.N. and its secretary-general, Boutros Boutros-Ghali -- he blames Albright for his not being reappointed -- this was not always so. Until the Republican takeover of Congress in 1994, she was an enthusiastic supporter of the U.N. and its foreign-policy priorities, enamored of phrases like "assertive multilateralism." Indeed, she viewed criticism of the institution as criticism of her. And given Shenwick's success in uncovering specific instances of waste, fraud, and abuse at the U.N. -- such as the production of a book commemorating the U.N.'s 50th anniversary at a cost of \$715 per page -- a clash was inevitable.

The first instance of outright hostility came in June 1994. During a senior staff meeting attended by Shenwick, Albright blamed her for the hold Sen. Larry Pressler, a South Dakota Republican, had placed on the nomination of David Birenbaum for a top management and reform job. "The president wants this nomination," hissed Albright, "and you are impeding it." Shenwick's supposed sin? She had, in full compliance with State Department regulations, responded to requests from Pressler about U.N. budget and management practices, and he had used the information in Birenbaum's confirmation hearing.

Albright's deputies adopted a similarly hostile tone. On July 17, 1994, the Washington Post published a brief article about shortcomings in a U.S.-sponsored proposal for a U.N. inspector general. That morning, following a senior staff meeting at the U.S. mission, Albright's devoted press aide, Jamie Rubin, yelled at Shenwick that she'd be sacked if she ever talked to reporters, or Pressler, again.

When Shenwick didn't back down, the harassment escalated. In October 1994, Birenbaum -- by this time confirmed as deputy representative for U.N. management and reform -- relieved her of her authority to assign work to much of her staff, claiming she was too busy with her ACABQ duties. Shenwick disagreed and took the matter up with Edward Gnehm, a senior U.S. mission official. He was no help. "What do you expect after what you did at Birenbaum's hearings," he told her. "This is payback."

In March 1995, Shenwick attended a meeting of top U.S. mission officials, and they criticized her job performance. When she pointed to her favorable personnel evaluations -- she'd received an "excellent" and an "outstanding" during the period from July 1992 to May 1994 -- Albright quickly interjected, "We are looking into changing that." And when Albright learned Shenwick had shared public information with a Senate Appropriations Committee staffer about shoddy U.N. procurement practices, she ordered her "never to meet with Hill staffers alone again" (Rubin repeated the order a few days later).

All of the complaints about Shenwick notwithstanding, Albright regularly called on her for assistance with U.N. budget issues. Indeed, when Shenwick crafted a proposal in late 1995 to cut over \$154 million from the U.N. budget, Albright used it as the basis for the American position in that year's round of budget negotiations. Albright also retained Shenwick as a lead negotiator during multilateral budget sessions and had her conduct briefings on the U.N. budget for congressional staffers.

There was, however, a limit to the use Albright would make of Shenwick's budget expertise. In the spring of 1996, when the United States had to nominate someone for the U.N.'s Advisory Committee on Administrative and Budgetary Questions, Albright dumped Shenwick, who had just completed nearly five years on the committee. She told her that while her performance had been "excellent," she had been "too tenacious on U.N. reform."

This move was hypocritical on two fronts. Albright makes much of her commitment to hiring and promoting women in government; she once told the Washington Post that prominent in her "galaxy of people I have no use for" are



"women who don't help other women." But presented with the opportunity to reward a talented civil servant who happens to be a woman, Albright gave more weight to a parochial dispute.

Equally revealing, the decision to dump Shenwick from the ACABQ came at a time when Albright was loudly criticizing Boutros-Ghali for failing to clean up the U.N.'s finances. The ACABQ dominated by individuals with years of U.N. budget experience who tend to be hostile to macro-reforms, is precisely the kind of forum where a representative with Shenwick's thorough knowledge of U.N. budget issues is invaluable to the United States. And not only was Albright willing to discard Shenwick's expertise, but the individual nominated in Shenwick's place was defeated in the ACABQ election, depriving the United States of a voice in this powerful arena.

These contradictions rarely received press coverage. Albright, super-sensitive about her public image, was always careful to express satisfaction with Shenwick's work. In a February 1996 letter to Sen. Rod Grams, a Minnesota Republican, Albright wrote that Shenwick was a "valued member" of the "reform team." And at a Senate hearing two months later, a senior State Department official, Princeton Lyman, said of Shenwick's ACABQ tenure, "It was Ambassador Albright's judgment that Miss Shenwick had done an outstanding job."

But it was different in private. Albright was known around the U.N. as "the queen of mean" for her rudeness. In *Seasons of Her Life*, an evenhanded biography of Albright published last year, Ann Blackman writes that "many of those who have watched Albright's evolution over the years say that she changed at the United Nations, that the friendly, easygoing woman they had known showed a new tendency to be imperious and somewhat dismissive of those who got in her way."

Indeed, even after engineering Shenwick's ouster from the ACABQ, Albright wasn't content. In April 1996, for example, Albright personally ordered the hiring of a retired former deputy chief of the U.S. mission, Herbert Gelber, and made his primary responsibility overseeing Shenwick and evaluating her performance. This was highly suspicious, given that no such position had previously existed at the U.S. mission and Gelber had once been a top deputy to Thomas Pickering, the U.N. ambassador Shenwick had tangled with years earlier.

It didn't take Gelber long to strike. Within a month of accepting the job, he had raised questions about Shenwick's use of entertainment funds, telephones, and fax machines (an investigation by the State Department's inspector general found no wrongdoing). Subsequent remarks, however, revealed that his real concerns with Shenwick were not ethical but political. He once said to her, during a meeting in his office, "What you do with Republicans is between you and God, but I don't know how you sleep at night." And when it appeared that Sen. Pressler, who was up for reelection in 1996, was in jeopardy, Gelber told Shenwick, "It looks like he's going to be gone, and you'll be next."

Gelber, meanwhile, had an ethics problem of his own. Shortly after he took the job, Shenwick informed the inspector general that State Department regulations barred employees from receiving a pension while serving in a supervisory role, forcing Gelber to have his pension temporarily suspended.

Gelber got his revenge when he issued his evaluation of Shenwick's job performance on December 4, 1996. He gave her an "unsatisfactory" rating. This was the strongest signal of all that Albright wanted Shenwick ousted, for once State Department employees belonging to the Senior Executive Service have been rated unsatisfactory, they must be transferred out of their jobs. The rating also underscored the hardball tactics Albright was deploying against Shenwick: According to Office of Personnel Management data, no State Department employee belonging to the SES had ever received an "unsatisfactory" rating.

Shortly after handing down this evaluation, Gelber returned to retirement. Shenwick, meanwhile, tried to make a personal appeal to Albright at a U.S. mission social event, but didn't get very far. Elaine Shocas, Albright's chief of staff and a one-time Democratic party activist, quickly intervened and told Shenwick, "We know all about [the unsatisfactory evaluation] and we are prepared to deal with the legal and political consequences." Albright, who witnessed the exchange, walked away without saying anything and hasn't spoken with Shenwick since.

In the two and a half years since Gelber's career-derailing evaluation, the campaign to intimidate Shenwick has persisted. Senior U.S. mission officials -- Richard Sklar and A. Peter Burleigh in particular -- have taken the lead. Albright, who's been in Washington as secretary of state, has quietly backed them, as Shenwick learned when she

complained about her treatment to Albright's successor as U.N. ambassador, Bill Richardson. He told her, "Your problems are with Madeleine."

Shenwick eventually filed a complaint with the Office of Special Counsel, a federal agency that seeks to resolve personnel disputes, alleging her unsatisfactory rating had been retaliatory and was thus prohibited (according to Shenwick, Sklar warned her against pursuing this complaint, saying in November 1997, "We will break you financially and professionally"). The State Department's attempts to resolve the matter quietly have proven comical and corrupt.

Illustrating the sheer pettiness of the department's case against Shenwick are the charges it forwarded to the Office of Special Counsel last year to justify her "unsatisfactory" rating. Shenwick, according to the State Department, had had a poor relationship with the chairman of the ACABQ, hadn't given proper credit to her staff for writing memos, and had failed to have a going-away party for a member of her staff.

But there was a problem with these charges. The latter two were demonstrably false. As for her poor relations with the ACABQ chairman, they stemmed from her role in helping to publicize that he had determined his own compensation package, traveled lavishly, and put his common-law wife on his staff. These disclosures complied with both the letter of State Department regulations and the spirit of the U.S. effort to curb waste at the U.N. (Shenwick's job performance evaluations praised her approach to the "entrenched" chairman.) The disclosures also factored into the U.S. decision not to support the chairman's reelection bid in 1997.

The State Department abandoned the charges against Shenwick a few months after making them, only to come forward with an entirely new set of allegations last month. Shenwick, according to the department, had become ineffective in dealing with foreign missions to the U.N.; it cited a diplomat from Belgium, Peter Maddens, and one from Britain, Nick Thorne. Similarly, State charged that Shenwick had expressed positions in U.N. budget negotiations contrary to the position of the U.S. government.

But both of these charges collapse under scrutiny. Maddens has told Shenwick's lawyer that he had a professional relationship with Shenwick and never had any difficulty with her, while Thorne says that when U.S. officials approached him, he refused comment. With respect to insubordination, when Shenwick's lawyer asked for examples over two months ago, a State Department lawyer replied that no one could recall any specific instance.

The State Department's final allegation is that Shenwick refused to share information from ACABQ proceedings with her U.S. mission colleagues. The only problem is that information discussed at ACABQ meetings is strictly confidential, and Shenwick could have been removed from the committee for violating her confidentiality oath.

As for the original source of hostility toward Shenwick -- her sharing public information with Capitol Hill and the media -- the State Department recently conceded in a letter to Grassley that she is a "protected whistleblower."

Surely the strangest development of all came on April 13. That's when the State Department lawyer handling the case, Melinda Chandler, told Victoria Toensing, Shenwick's lawyer, that a job had been found for Shenwick in Manhattan (where she has lived for the past 15 years). The post -- "senior program adviser" at a Department of Energy lab -- called for advising the lab director on matters such as environmental research. There was just one problem: Shenwick had no experience in any of the areas for which she would be responsible.

So why was she offered this position? On April 23, Shenwick met with a senior lab official at a Manhattan coffee shop to discuss the job, but the official was unable to answer even her most elementary questions about the offer. Indeed, the official conceded the position of "senior program adviser" to the lab director had never before existed, and that Shenwick was unqualified for it.

The official also confided that the source of the job offer was Bill Richardson, now serving as energy secretary. Richardson had flown the lab official to Washington and met with him for 30 minutes to discuss finding a position for Shenwick. Richardson admitted he had acted only after being urged to do so in a Saturday phone call from Albright (the Department of Energy confirmed in writing that the State Department had "approached" it about finding a job for Shenwick, but refused to confirm -- or deny -- Albright's involvement).

Albright's interest in disposing of Shenwick was so great that she not only was willing to transfer one of the State Department's coveted Senior Executive Service slots to the Department of Energy if it would take Shenwick, she also was willing to provide Energy with \$2.5 million over five years to cover a variety of projects in addition to Shenwick's salary and expenses. This sum, as a lab official revealed to Shenwick, was considerably more than the lab needed from State.

On April 26, Shenwick reluctantly visited the Varick Street lab -- she had been warned not to leave messages with any lab officials, as everything about the job offer was "confidential" -- and she came away believing the job was inappropriate for her. Three days later, the State Department upped the ante, telling Shenwick that if she didn't take the position she would be transferred to a job in Washington in 60 days. But she didn't budge, telling State in early May she didn't want the Department of Energy lab job.

This set off a new round of negotiations with State Department officials, which culminated on June 16 with Shenwick's being handed a faxed memo from Alex De La Garza, a State Department personnel official, informing her she had 48 hours to vacate the U.S. mission. The memo also reiterated that Shenwick was to begin a new State Department job in Washington on June 29. She resisted taking the new job -- she says she's almost as unqualified for it as she is for the Department of Energy lab job -- but State refused to negotiate. Shenwick subsequently asked a senior U.S. mission official with whom she had friendly relations why the crusade against her was suddenly intensifying, and she was given a simple answer: Washington.

That's a reference to Albright, though her office denies any wrongdoing. Jamie Rubin, now the secretary's spokesman at the State Department, said on July 22 that Albright "was not, as some have suggested, engaged in some persecution of Miss Shenwick. It's just not true; it's simply incorrect." The State Department did not respond to multiple inquiries seeking further comment. And Rubin refused to answer questions about Albright's role in the effort to procure a job for Shenwick outside the department, declaring (incorrectly) that the Privacy Act prevented him from answering.

As for Shenwick, she's happy to have the support of senators like Charles Grassley, Trent Lott, and Olympia Snowe, as well as the 287 House members who on July 21 voted for a resolution supporting her complaint against the State Department. (Interestingly, no congressional Democrat -- not even foreign-policy hatchetman Joe Biden -- has jumped on the anti-Shenwick bandwagon.) But even if these senators help persuade the State Department to give her back her job at the U.S. mission, it won't undo the damage that's been done: six-figure legal bills, loss of salary, character assassination, and the dissemination of unsubstantiated allegations about her personal life.

Shenwick could, of course, have minimized her troubles by resigning a few years ago when it was clear Albright wanted her out. But she says she has no regrets about standing up to the guerrilla warfare. "I want people to know what can happen to anyone who gets on the wrong side of Madeleine Albright. No one deserves to be treated this way." And, she says, "while this is not a battle I have sought out, I'm going to be in it until the end."

GRAPHIC: Picture 1, Linda Shenwick, Kevin Chadwick; Picture 2, Madeleine Albright, Kevin Chadwick

LOAD-DATE: August 2, 1999

# Exhibit 2



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May 24, 2002 9:30 a.m.

### Craig Won't Beg

The State Department hires Clinton's lawyer.

**H**igh-powered D.C. lawyer Gregory B. Craig has worked for many controversial people and causes over the years, from President Clinton during impeachment and pro-Castro Americans during the Elián Gonzalez controversy to Ted Kennedy during the Palm Beach rape case and would-be presidential assassin John Hinckley during his insanity defense.

This legal-world leftist recently took on a new client: the Bush administration's Department of State.

In a May 8 memo, Mary McLeod of the Department of State informed the U.S. Merit Systems Protection Board that Craig and his Williams & Connolly colleague Robert Watkins would serve as the department's "co-representatives" in a wrongful discharge case brought by a former State Department employee.

The employee in question is Linda Shenwick, who was fired from her job a day after the 2000 presidential election. She had started working for the Department of State in 1979, and eventually became a high-ranking civil servant at the U.S. mission to the United Nations in New York. She mastered the byzantine world of U.N. budgets and her job-performance reviews were excellent.

During the Clinton years, however, Shenwick ran afoul of Madeleine Albright, who was the U.S. ambassador to the U.N. and later secretary of state. As Matthew Rees reported in a 1999 *Weekly Standard* article that remains the most comprehensive treatment of what happened, Shenwick provided "Capitol Hill and the media with public information about waste, mismanagement, and rule-breaking by officials at the United Nations and the U.S. mission."

In 1999, Shenwick was kicked off the U.N. mission staff and put on leave without pay. "I have never seen such a blatant, raw attempt to harass and silence

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### FROM THE AUTHOR

The Latest from  
 John J. Miller:

[Craig Won't Beg](#) 5/24

[The Giuliani  
 Commission](#) 5/20

[Seated](#) 5/17

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### Immigrant Advice

In The Unmaking  
 Americans, John  
 Miller says emigrate  
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### REC TODAY

G-File: [Killing  
 Journalists](#) 5/24  
 12:55 p.m.

Hanson: [A Ring](#)  
 5/24 12:55 p.m.

WFB: [Smoke Get  
 in Your Eyes?](#) 5/24  
 12:35 p.m.

Derbyshire: [Better  
 Dead than Rude](#)  
 5/24 10:50 a.m.

Dreher: [Weakland's  
 Exit](#) 5/24 9:30 a.m.

Mowbray: [Cuba Is  
 Different](#) 5/24 9:30  
 a.m.

Bulletin: [Craig  
 Won't Beg](#) 5/24  
 9:30 a.m.

### NR Goes Mexico

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 Post-Election  
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a whistleblower who simply told the truth," said Sen. Charles Grassley, Republican of Iowa, at the time.

A year and a half later, Shenwick was fired. She responded by filing a complaint with the MSPB, which arbitrates employment disputes with the federal government. Shenwick is challenging her removal from the U.S. mission and her termination from the Department of State; she seeks to regain job, plus secure back pay and legal expenses.

The State Department previously had assigned two staff lawyers to the Shenwick case, and it also hired Peter Broida, an outside counsel who is a recognized

expert in MSPB cases.

The Department of State may be obligated to defend itself in these proceedings, but the decision to hire Craig is bizarre. It is the sort of thing one would expect from a Gore administration.

The department won't comment beyond saying Craig was retained in a "competitive procurement" and that his hiring represents a good deal in terms of "technical merit and cost." The White House declined to say anything at all and Craig did not return a phone call.

Nordlinger:  
Impromptus 5/24  
9:10 a.m.

Mersereau: Why Is  
Our Military Not  
Being Rebuilt? 5/24  
8:45 a.m.

Ratzlav-Katz: Close  
Call 5/24 8:45 a.m.

York: Joe's Fishing  
Trip 5/24 8:45 a.m.

Robbins: That  
Others May Live  
5/24 8:45 a.m.

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### Chandra Found

Dunphy: Perfect-Enough Crime 5/23

### At War

Mersereau: Rebuild the Military 5/24  
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### The Mideast

Ratzlav-Katz: What Would the U.S. Do?  
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